

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
TIHISI WILLIAMS,	)	
	)	
Petitioner,	)	
v.	)	Civil Action No. 03-12554-RWZ
	)	
LINDA BARTEE,	)	
	)	
Respondent.	)	
_____	)	

**ANSWER**

Respondent, pursuant to this Court's order of January 15, 2004, and Rule 5 of the Rules Governing Section 2254 Cases, answers the petition for writ of habeas corpus as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. Admitted.
9. Respondent admits the allegations in ¶¶ 9 (a)-(c). Respondent admits that the grounds raised in the direct appeal are those set forth in Appellant's Brief, included in the Supplemental Answer at Tab E. Respondent further admits the allegations in ¶¶ 9(e)(1)-(3), and admits that the grounds raised in the Supreme Judicial Court are those set forth in the Application for Further Appellate Review, included in the Supplemental Answer at Tab B. To the extent that

¶ 9 contains any further allegations requiring a response, those allegations are denied.

10. Respondent lacks sufficient information to form a belief about the truth of the allegation in ¶ 10, and respondent accordingly denies that allegation.

11. Paragraph 11 contains no allegations, and to the extent that answer is required, respondent denies ¶ 11.

12. Respondent admits that these are the grounds upon which petitioner claims in this petition that he is being held unlawfully. To the extent that the paragraph contains any other factual allegations requiring a response, such allegations are denied, and respondent further denies that any of the grounds stated in this paragraph show that petitioner is being held unlawfully.

13. Paragraph 13 contains no allegations, and to the extent that answer is required, respondent denies ¶ 13.

14. Respondent states that he lacks knowledge or information sufficient to form a belief as to the truth of the allegation contained in ¶ 14 of the petition, and the allegation in ¶ 14 is therefore denied.

15. Admitted.

16. Admitted.

17. Respondent admits the allegations in ¶¶ 17 (a) and (b). Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegation contained in ¶ 17 (c) of the petition, and therefore denies the allegation.

18. Upon duplication, respondent will file a Supplemental Answer which contains the following documents:

**Discretionary Review–Supreme Judicial Court, No. FAR-12969**

- (A) Docket Sheets
- (B) Application for Further Appellate Review
- (C) Denial of Application for Further Appellate Review

**Direct Appeal–Massachusetts Appeals Court, No. 2001-P-00489**

- (D) Docket Sheets
- (E) Appellant’s Brief and Appendix
- (F) Commonwealth’s Brief and Supplemental Appendix
- (G) Appellant’s Reply Brief
- (H) Opinion of the Court

19. In addition, the transcripts of the following proceedings had in the trial court are available, and will be provided to the Court upon request:

- (1) Pre-Trial Hearings–April 18, 24 and 25, 2000 (3 Volumes)
- (2) Trial–April 25-May 1, 2000 (5 Volumes)

**FIRST AFFIRMATIVE DEFENSE**

20. Petitioner has failed to state a claim upon which relief could be granted.

**SECOND AFFIRMATIVE DEFENSE**

\_\_\_\_21. Petitioner failed to exhaust the remedies available to him in the Massachusetts courts prior to filing this petition.

**THIRD AFFIRMATIVE DEFENSE**

22. The decision of the state court rests on state law grounds that are independent of the federal questions petitioner presents in this petition and adequate to support the judgment.

Respectfully submitted,

THOMAS F. REILLY  
ATTORNEY GENERAL

/s/ David M. Lieber

David M. Lieber (BBO# 653841)  
Assistant Attorney General  
One Ashburton Place  
Boston, Massachusetts 02108  
(617) 727-2200 ext.2827

ATTORNEYS FOR RESPONDENT

Dated: March 11, 2004